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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,493	04/18/2001	Jan Holler	45687-00055	7908

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ERICSSON INC.
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EXAMINER

NANO, SARGON N

ART UNIT	PAPER NUMBER
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2157

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/837,493

Applicant(s)

HOLLER ET AL.

Examiner

Sargon N. Nano

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/11/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48 - 81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48 - 81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is responsive to amendment filed on Dec. 11 2006. Claims 48 – 81 are pending examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 48 – 50, 52 – 56, 58 – 62, 64 – 67 and 69 - 73 are rejected under 35 U.S.C. 102(e) as being anticipated by Tso et al. U.S. Patent No. 6,421,733 (referred to hereafter as Tso).

Tso teaches methods, systems and computer program products for customizing content based on at least one operating characteristic of a mobile devices (see abstract).

As to claim 48, Tso teaches a method of processing a media stream in a communications system that includes an Internet Protocol (IP) network, the method comprising the steps of:

configuring a service for providing the media stream to a first entity, by sending a service request to a gateway controller having a known Uniform Resource Identifier

Art Unit: 2157

(URI) the service request including information relevant to the first entity (see col. 2 lines 56 – col. 3 line 7, Tso discloses a network client sending a request to a server). ;

initiating the media stream for a session between the first entity and a second entity, with the first entity receiving, and the second entity sending the media stream via a data path that includes a gateway coupled to the IP network, the gateway being managed by the gateway controller(see col. 6 lines 24 - 50 Tso discloses a data stream being sent to a network client from the internet via a proxy);

negotiating a format for the media stream, wherein the media stream with a format unacceptable to the first entity is converted to an acceptable format by the gateway prior to forwarding the media stream to the first entity(see col. 6 lines 24 - 50 Tso discloses content request is transferred to an accepted format and sent to a network client) ;

the first entity invoking the gateway controller, via a path between the gateway and the first entity that is separate from the data path carrying the media stream, to cause the gateway to process the media stream received from the second entity (see col. 6 lines 24 – 60, Tso discloses data tunneled to a client using different thread); processing the media stream according to the negotiated formats; and sending the processed media stream on to the first entity(see col. 6 lines 24 – 60 Tso discloses transcoding data being sent from a server to a network client).

As to claim 49, Tso teaches the method of claim 48, wherein the session, comprising the media stream, begins when a connection is established between the first and second entities and terminates when the connection ends and the step of

Art Unit: 2157

configuring a service is performed by the first entity sending a service request from the first entity to the gateway controller(see col. 6 lines 24 – 60 and col. 6 lines 24 – 60).

As to claim 50, Tso teaches the method of claim 49, wherein the service request includes necessary address information for the first entity for receiving the media stream (see col. 14 lines 11 - 36):

As to claim 52, Tso teaches the method of claim 48, wherein the media stream is a video stream in Motion Pictures Expert Group (MPEG) format, wherein the media stream is directed to the first entity via the IP network and if the format of the media stream is unacceptable to the first entity the media stream is sent to the gateway for conversion before forwarding to the first entity (see col. 3 lines 44 - 65).

As to claim 53, Tso teaches the method of claim 48, further comprising the step of the first entity sending a service request to the gateway controller to configure the service for providing the media stream to the first entity (see col. 6 lines 24 - 50).

As to claim 54, the method of claim 49, wherein the service request includes the type of service requested (see col. 3 lines 45 - 64).

As to claim 55, Tso teaches the method of claim 49, further comprising the step of responding to the service request including address information associated with the gateway in the form of an IP address and a port number (see col. 7 line 15 – col. 8 line 9).

As to claim 56, Tso teaches the method of claim 52 further comprising: processing the video stream by the gateway; and transferring the video stream from the gateway to the first entity (see col. 3 line 45 – 64 and col. 6 lines 24 - 50).

As to claim 58, Tso teaches the method of claim 48, wherein the first entity is a mobile terminal and the second entity is one of a terminal and an end user serving terminal (see col. 7 line 15 – col. 8 line 9).

As to claim 59, Tso teaches the method of claim 48, wherein the gateway is available for external control through the gateway controller via the known URI of the gateway controller (see col. 7 line 15 – col. 8 line 9).

As to claim 60, Tso teaches a node, in a communications system that is coupled with an Internet Protocol (IP) network, for processing a media stream, the node comprising: a gateway controller having a known Uniform Resource Identifier (URI) for providing the media stream to a first entity (see col. 2 lines 56 – col. 3 line 7);

a gateway, managed by the gateway controller, for processing the media stream; means for initiating the media stream for a session between the first entity and a second entity, with the first entity receiving, and the second entity sending the media stream over the IP network via a data path that includes the gateway(see col. 6 lines 24 - 50);

means for negotiating a format for the media stream between the first and second entities, wherein a media stream having a format unacceptable to the first entity is converted to an acceptable format by the gateway prior to forwarding the media stream to the first entity; means for receiving invoking signals from the first entity for the gateway controller, via a path between the gateway and the first entity that is separate from the data path, to cause the gateway to process the media stream received from the second entity on the data path(see col. 6 lines 24 - 60);

means for processing the media stream according to the negotiated format; and means for sending the media stream to the first entity via the data path (see col. 6 lines 24 – 60).

As to claim 61, Tso teaches the node of claim 60, wherein the session, comprising the media stream, begins when the connection is established between the first and second entities and terminates when the connection ends and the means for configuring the service for providing the media stream further comprises means in the gateway controller for receiving a service request sent by the first entity(see col. 2 line 56 – col 3 line 7).

As to claim 62, Tso teaches the node of claim 61, wherein the service request includes an address for receiving the media stream (see col. 14 lines 11 - 36).

As to claim 64, Tso teaches the node of claim 60, wherein the media stream is in Motion Pictures Expert Group (MPEG) format and is directed to the first entity via the IP network and if the format of the media stream in MPEG format is unacceptable to the first entity the media stream is sent to the gateway for conversion before forwarding to the first entity (see col. 3 lines 40 - 65).

As to claim 65, Tso teaches the node of claim 60, further comprising means for the gateway controller receiving the service request from the first entity to configure the service for providing the media stream to the first entity (see col. 6 lines 24 - 50).

As to claim 66, Tso teaches the node of claim 61, wherein the service request Includes the type of service requested (see col. 3 lines 45 - 65).

As to claim 67, Tso teaches the node of claim 60 wherein the gateway controller further comprises means for receiving Invoking signals at the gateway controller, by a second path that is separate from the data path, to cause the gateway to process the media stream received from the second entity on the data path (see col. 7 line 15 – col. 8 line 9).

As to claim 69, the node of claim 60, wherein the first entity is a mobile terminal and the second entity is one of a terminal and an end user serving terminal (see col. 7 line 15 – col. 8 line 9).

As to claim 70, the node of claim 60, wherein the gateway is available for external control through the gateway controller via the known URI of the gateway controller (see col. 7 line 15 – col. 8 line 9).

As to claim 71, a communications system coupled with an Internet Protocol (IP) network for processing a media stream, the communication system comprising:

a gateway controller having a known Uniform Resource Identifier (URI) for providing the media stream to a first entity(see col. 2 lines 56 – col. 3 line 7);

a gateway, managed by the gateway controller, for processing the media stream (see col. 6 lines 24 – 50);

means for initiating the media stream for a session between the first entity and a second entity, with the first entity receiving, and the second entity sending the media stream over the IP network via a data path that includes the gateway(see col. 6 lines 24 – 50);

means for negotiating a format for the media stream between the first and second entities, wherein a media stream having a format unacceptable to the first entity is converted to an acceptable format by the gateway prior to forwarding the media stream to the first entity(see col. 6 lines 24 – 50);

means for receiving invoking signals from the first entity for the gateway controller, via a path between the gateway and the first entity that is separate from the data path, to cause the gateway to process the media stream received from the second entity on the data path(see col. 6 lines 24 – 50);

means for processing the media stream according to the negotiated format; and means for sending the media stream to the first entity via the data path(see col. 6 lines 24 – 50).

As to claim 72, Tso teaches the communications system of claim 71, wherein the session, comprising the media stream, begins when the connection is established between the first and second entities and terminates when the connection ends and the means for configuring the service for providing the media stream further comprises means in the gateway controller for receiving a service request sent by the first entity (see col. 6 line lines 24 - 60).

As to claim 73, Tso teaches the communications system of claim 72, wherein the service request includes an address for receiving the media stream (see col. 14 lines 11 – 36).

As to claim 75, Tso teaches the communications system of claim 71, wherein the media stream is in Motion Pictures Expert Group (MPEG) format and is directed to the

Art Unit: 2157

first entity via the IP network and if the format of the media stream in MPEG format is unacceptable to the first entity the media stream is sent to the gateway for conversion before forwarding to the first entity (see col. 3 lines 44 - 65).

As to claim 76, Tso teaches the communications system of claim 71, further comprising receiver means for the gateway controller to receive the service request from the first entity to configure the service for providing the media stream to the first entity(see col. 6 lines 24 – 60).

As to claim 77, Tso teaches the communications system of claim 72, wherein the service request includes the type of service requested (see col. 3 lines 45 - 64).

As to claim 78, Tso teaches the communications system of claim 71 wherein the gateway controller further comprises means for responding to the service request wherein the response to the service request includes address Information associated with the gateway in the form of an IP address and a port number (see col. 7 lines 15 – col. 8 line 9).

As to claim 79, Tso teaches the communications system of claim 71, further comprising means for transferring the media stream, unmodified, over the IP network via the gateway between the second and first entity. If the format of the media stream provided by the second entity is acceptable to the first entity (see col. 6 lines 24 - 60).

As to claim 80, Tso teaches the communications system of claim 71, wherein the first entity is a mobile terminal and the second entity is one of a terminal and an end user serving terminal (see col. 7 line 15 – col. 8 line 9).

As to claim 81, Tso teaches the communications system of claim 71, wherein the gateway is available for external control through the gateway controller via the known URI of the gateway controller (see col. 7 line 15 – col. 8 line 9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 51, 57, 63, 68, and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso in view of Galensky et al. U.S. Patent No. 6,845,398.

Tso teaches a system for dynamically transcoding data transmitted between computers (see abstract).

As to claims 51, 57, 63, 68 and 74 Tso teaches a method of processing a media stream in a communications system that includes an Internet Protocol (IP) network, the method comprising the steps of:

configuring a service for providing the media stream to a first entity, by sending a service request to a gateway controller having a known Uniform Resource Identifier (URI) the service request including information relevant to the first entity(see paragraph 0014 – 0015, Tso discloses a mobile client request a web content from content source)

initiating the media stream for a session between the first entity and a second entity, with the first entity receiving, and the second entity sending the media stream via a data path that includes a gateway coupled to the IP network, the gateway being managed by the gateway controller(see paragraph 0014 – 0015 Tso discloses sending delivering the transformed content to through a gateway to a mobile client);

negotiating a format for the media stream, wherein the media stream with a format unacceptable to the first entity is converted to an acceptable format by the gateway prior to forwarding the media stream to the first entity(see paragraph 0014 – 0035 Tso discloses transforming data for a mobile device) ;

invoking the gateway controller, via a second path that is separate from the data path carrying the media stream, to cause the gateway to process the media stream received from the second entity; processing the media stream according to the negotiated formats(see paragraph 0014 – 0035 Tso discloses sending the data in a format that is suitable for the mobile device); and

sending the processed media stream on to the first entity(see paragraph 0014 – 0035 Tso discloses sending the data in a format that is suitable for the mobile device).

Tso does not explicitly teach a Global System Mobile communications, however Galensky teaches a wireless device system and method for receiving and playing multimedia files from a multimedia server using a Global Systems for Mobile standards. It would have been obvious to one of the ordinary skill in the art at the time of the

invention to incorporate GSM standards into Tso's mobile device because doing so would enable mobile phones to be used across national boundaries.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

In the remarks applicant argue in substance that:

A) In Tso 's reference there is no mention of a mobile device as in claim 48.

B) Tso's reference does not mention or allude to the terms of art "gateway" or "gateway controller".

In response to A), examiner has reviewed claim 48 and there is no mention of "mobile device" . This/These limitation(s) are not found in the claims. Claimed subject matter not the specification is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding prior art. In re Sporck, 55 CCPA 743, 386 F .2d 924, 155 USPQ 687 (1986); In re Self, 213 USPQ 1, 5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978).

Even if the language of claim 48 included the limitation "mobile device", Tso discloses that his invention may be advantageously applied to mobile computers or computers accessing network over a modem connection in a different embodiment of the invention (see col. 16 line 64 – col. 17 line 9).

In response to B) Tso discloses when a network client sends HTTP request for an object from the internet, a transcoder residing on the server , repackages the data

into a format that is understood by the network. Therefore since there is a protocol conversion between the proxy and the internet, Tso meets the functionality of the a Gateway. Since there is a translation between the network IP and the HTTP protocol utilized by the proxy server (see col. 6 lines 24 – 50).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

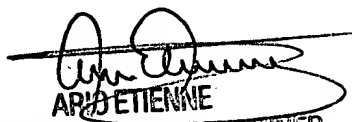
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N. Nano whose telephone number is (571) 272-4007. The examiner can normally be reached on 8 hour.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sargon Nano
March 2, 2007


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